



TAMIL NADU GOVERNMENT GAZETTE

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Notifications of interest to a section of the public
issued by Heads of Departments, etc.

NOTIFICATIONS BY HEADS OF DEPARTMENTS, ETC.

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NOTIFICATIONS BY HEADS OF DEPARTMENTS, ETC.

TAMIL NADU ELECTRICITY REGULATORY COMMISSION, CHENNAI.

Tnerc - Fees and Fines Regulation, 2022.

(Lr.No. TNERC/Legal/50/D.No.36/2022/07-01-2022)

(Notification No.TNERC/F&F-1/2022)

No. VI(2)/10/2022.

In exercise of the powers conferred on it by clause (g) of sub-section (1) of Section 86 of the Electricity Act, 2003 (Act 36 of 2003) and all powers enabling it in that behalf, the Tamil Nadu Electricity Regulatory Commission hereby makes the following Regulations:-

These Regulations supersede Tamil Nadu Electricity Regulatory Commission – Fees and Fines Regulations, 2004 published in Notification No.TNERC/F&F/4/2, dated 08-01-2004 and all amendments issued thereafter to the said notification in the Gazette dated 18th February, 2004.

1. (i) These Regulations may be called the “Tamil Nadu Electricity Regulatory Commission – Fees and Fines Regulations, 2022”.
(ii) They shall come into force on the date of their publication in the *Tamil Nadu Government Gazette*.
2. In these Regulations, the words or expressions shall bear the same meaning as in the Electricity Act, 2003 or the other regulations issued by the Commission.
3. (i) Every petition, application or grievance made to the Commission shall be made by payment of the appropriate fees specified in these regulations.
(ii) The fees or the fines payable to the Commission as prescribed under these regulations or Conduct of Business Regulations shall normally be paid by means of bank draft or Banker's cheque drawn in favour of the Secretary, Tamil Nadu Electricity Regulatory Commission, payable at Chennai or through online mode. For amounts not exceeding Rs.1000, Secretary may accept cash payments. Licensees may be permitted to issue cheques, payable at Chennai.
(iii) The payments received as above by the Secretary of the Commission shall be deposited in a Bank Account to be maintained by the Commission in such branches as the Commission may direct from time to time.
(iv) The Commission shall be entitled to add, amend, alter or waive the amounts of fees or fines payable as provided in these regulations by an order to be made in this regard.
4. For purposes of convenience and the knowledge of public, the petitions presented before the Commission shall be categorized as follows:
 - (i) Petition for Licensing to be registered as L.P.
 - (ii) Tariff petition to be registered as T.P.
 - (iii) Dispute Resolution Petition to be registered as D.R.P.
 - (iv) Review petition to be registered as R.P.
 - (v) Miscellaneous petition to be registered as M.P.
 - (vi) Power Purchase Approval Petition to be registered as P.P.A.P.
 - (vii) Petitions to be posted for maintainability or to be heard before numbering are to be registered as P.R.C. (Pre-Registration Case)
 - (viii) Remand cases to be registered as R.A.
 - (ix) Transferred cases to be registered as T.A.
 - (x) Consumer grievances about utility or general nature and not falling under Miscellaneous petition – to be treated as normal office disposal.

5. The fees payable to State Load Dispatch Centre by the Generating Companies and Licensees engaged in Intra State Transmission of electricity as stipulated under sub-section (3) of Section 32 of the Electricity Act, 2003 shall be decided by the Commission from time to time.
6. The fee structure for (a) determination of grid, bulk or retail tariff (b) transmission tariff and petitions on these tariff (c) petitions/ applications for approval of power purchase or procurement process and (d) Miscellaneous is furnished in the table below:-

TABLE

Sl. No.	Nature of Application / Petition	Fees
1	Determination of Grid, Bulk or Retail Tariff	0.02% of the revenue receipts in the preceding year in case of an existing licensee or the expected revenue, receipts in the year for which the tariff is determined by the Commission in the case of a new Licensee, as the case may be with a maximum limit of Rs.2.25 crores.
2	Determination of Transmission Tariff	0.02% of the Revenue receipt in the preceding year in the case of an existing licensee or the expected revenue receipt in the year for which the tariff is to be determined by the Commission in case of new Licensee, as the case may be, with a maximum limit of Rs.25 lakhs
3	Approval for fees and charges collectable by SLDC from the generating companies and Licensees engaged in Intra-State Transmission of Electricity under Section 32 (3) of the Electricity Act, 2003	0.02% of the revenue receipt in the preceding year
4	Review of Order as in (1), (2) (3) above for a	
	(a) Request by the original tariff petitioners themselves	5% of the fees paid at the time of filing the original tariff petition
	(b) Request by an Association / Group / Organisation registered under the Companies Act, 1956 (Act 1 of 1956) or any firm or other Corporate Body	Rs.15,000
	(c) Request by an individual consumer	Rs.1,000
5	Determination of Capital Cost of Projects wherein the Power Purchase Agreement has not been approved by the Commission	Rs.2,000 per MW or part thereof
6	Approval of agreement relating to Power Purchase or procurement process	
	(i) If the agreement is for a period of one year and above which relates to conventional fuel based plant	Rs.2,500 per MW or part thereof
	(ii) If the agreement is for a period of one year and above which relates to Non-Conventional & Renewable Sources of Energy including co-generation	Rs.2,000 per MW or part thereof
	(iii) If the agreement is for a period less than one year which relates to Conventional fuel based plant	Rs.1,250 per MW or part thereof
	(iv) If the agreement is for a period less than one year which relates to Non-Conventional & Renewable Sources of energy including co- generation	Rs.1,000 per MW or part thereof

Sl. No.	Nature of Application / Petition	Fees
	Note: In cases where the Commission declines to approve a Power Purchase Agreement, the fees paid at the time of filing the said application shall be refunded after deducting any reasonable expenses incurred by the Commission in processing the said petition or application, as may be decided by the Commission.	
7	Review of order passed on Power Purchase or Procurement Process	Rs.50,000
8	(a) Miscellaneous Petitions filed by individuals, not covered by other listed categories	Rs.1000
	(b) Miscellaneous Petitions not covered by other listed categories and filed by any organization registered under the Companies Act, 1956 (Act 1 of 1956) or any firm or other Corporate Body / Government entities.	Rs.25,000
	(c) For any Interlocutory Application (IA) in any main petition filed before the Commission by an individual	Rs.500
	(d) For I.A. filed by any organization registered under the Companies Act, 1956 or any Firm or any other Corporate Body registered under other Statutes	Rs.1000
	(e) For I.A. filed by any other Association of Consumers or Generators	Rs.1000
9	Miscellaneous Petitions filed by Associations or Groups not covered by other listed categories	
	(a) Miscellaneous Petitions filed by Registered Association of consumers or generators	Rs.2,50,000
	(b) Miscellaneous Petitions filed by other Registered Associations	Rs.10,000
	For the purpose of Regulations 6(8) and 6(9) of these regulations, 1. Miscellaneous Petitions shall mean and include the following:- (a) Petition for enforcement of any earlier orders of the Commission already issued or petition for enforcement of any regulation or any order passed by CGRF / Ombudsman including petitions under Section 142 (b) Petitions seeking clarifications on the orders / regulations already issued not being in the nature of seeking opinion in the first instance. (c) All petitions which are not covered by listed categories (d) declaratory relief not amounting to monetary claims directly or indirectly or change in law, but does not include the petitions on individual consumer dispute which can be redressed by the Consumer Grievance Redressal Forum or Electricity Ombudsman and petitions on official mis-conduct of the officials staff of the Licensee requiring Departmental Proceedings or vigilance enquiry and petitions relating to unauthorised usage of energy or theft of energy	

Sl. No.	Nature of Application / Petition	Fees
10	For adjudication of disputes between Licensees and generating companies under section 86 (1) (f) of the Act or for adjudication of disputes under any other provision of the Electricity Act, 2003 or regulations, rules and orders made thereunder	Slab Rate: (i) Upto Rs.100 crores – 1% of the claim / amount in dispute (ii) For portion of the claim / amount in dispute which is above Rs.100 crores and upto Rs.150 crores – 0.75% of the claim. (iii) For portion of the claim / amount in dispute which is above Rs.150 crores - 0.50% of the claim subject to a minimum of Rs.75,000/-
11	Fees for Review Petition	
	(ii) Review Petition filed by an individual against the orders of the Commission in a Miscellaneous Petition	Rs.500
	(iii) Review Petition filed by any organization registered under the Companies Act, 1956 (C.A. No. 1 of 1956) or any firm or Corporate Body against the orders in Miscellaneous Petition/Government entities.	Rs.6000
	(iv) Review Petition filed by registered association of consumer or generators against the orders in a Miscellaneous Petition	Rs.25,000
	(v) Review Petition filed against the orders in a Dispute Resolution Petition (DRP)	12% of the fees paid in original D.R.P.
	For the purpose of Regulation 10 of these Regulations the terms amount in dispute and claim shall mean and include:- (a) All monetary claims expressly stated in the prayer or any part of the petition or found in the documents filed thereto. (b) A specified claim in the demand notice. (c) The value of Bank Guarantee or Performance Guarantee or Liquidated Damages which is sought to be not enforced. (d) Any dispute not amounting to monetary claim but requires adjudication by the Commission subject to payment of minimum fee.	
12	Inspection of orders or records of the Commission	Rs.250 per day (Restricted to 2 hours)
13	Supply of copies of documents / orders of the Commission	Rs.5/- per page
14	Complaint against the working of a utility by the end user / consumer	Nil

7 For various offences, non-compliances of the Act provisions, directions of the Commission, etc. the fines and penalties shall be governed by the respective provisions in the Act and Conduct of Business Regulations.

8 The fees to be paid for an appeal petition against the orders of the Assessing Officer under sub-section (1) of Section 127 of the Act shall be separately specified by the Commission.

9. (1) The fees to be accompanied with application for grant of license under Licensing sub-section (1) of Section 15 of the Act shall be as prescribed by the Government under fee clause (a) of sub-section (2) of Section 180 of the Act.

(2) The Licence fee payable by a licensee under the Tamil Nadu Electricity Regulatory Commission (Licensing) Regulations 2005 shall be as set out in the following Table:-

TABLE
Payment of Licence Fees

S.No.	Particulars	Fees
(1)	(2)	(3)
(a)	Initial Licence Fees	
	(i) Transmission	Rs.1000/- MW of projected capacity subject to a minimum of Rs.1 lakh and maximum of Rs.20 lakhs
	(ii) Distribution	0.002 paise per unit of electricity estimated to be sold during the year subject to a minimum of Rs. 2 lakhs and maximum of Rs.10 lakhs
	(iii) Trading	0.04% of value estimated to be traded subject to a minimum of Rs.3 lakhs.
(b)	Annual Licence Fees	
	(i) Annual Licence Fees – Transmission	Rs.500/MW of capacity available at the end of the previous year subject to a minimum of Rs.50,000/-
	(ii) Annual Licence Fees – Distribution	0.02 paise per unit of electricity proposed to be sold during the year subject to a minimum of Rs.20 lakhs and maximum of Rs.2 crore.
	(iii) Trading	0.02% of value estimated to be traded subject to a minimum of Rs.2 lakhs
(c)	Grant of exemption under Section 13 of the Electricity Act, 2003.	Rs.10,000
(d)	Making amendments / alterations to the terms and conditions of licence under section 18	Rs.20,000/-
(e)	Grant of prior approval under section 17 of the Act	Rs.10,000/-

10. (1) Where the petitioner withdraws a petition before taking up the petition on file and numbering it, he shall be liable to pay such cost as the Commission may award, except in cases filed by individuals, as reasonable expenses for processing the petition and after deducting the same, the balance amount of court fee paid by the petitioner shall be refunded to the petitioner.

(2) Upon such withdrawal, the petitioner shall be precluded from filing any fresh petition in respect of such subject matter or part of the claim covered by such subject matter.

(3) Where a Writ Petition is transferred or remanded by the High Court to the Commission for disposal in accordance with law or where the petitioner files a petition before the Commission, the fees as applicable to respective category of petition as per these regulations shall be paid by the Petitioner.

Save as otherwise provided in these Regulations, the "Tamil Nadu Electricity Regulation—Fees and Fines Regulations, 2004 shall stand repealed from the date of commencement of these Regulations.

(By order of the Tamil Nadu Electricity Regulatory Commission)

Chennai-600 032,
6th January 2022.

S.CHINNARAJALU,
Secretary,
Tamil Nadu Electricity,
Regulatory Commission.

EXPLANATORY STATEMENT

The Hon'ble High Court of Madras in W.P. Nos.10944 of 2021 and other connected Writ Petitions directed the Commission to examine whether there exist any case of excessive filing of fees and take necessary action. The observations of the Hon'ble High Court of Madras is as follows:-

"W.P.Nos.10944, 15030 and 23678 of 2021

Let the hearing stand over for a fortnight to enable the Tamil Nadu Regulatory Commission to consider, in consultation with all stakeholders, the serious prejudice caused by the perceived excessive filing fees and the access to justice being restricted as a consequence".

Consequently, the Commission issued a Consultative Paper inviting comments from the stakeholders. The comments of the stakeholders mainly centre on the perceived excessive filing fees, proportionality to the cost of administration of justice and fees prevailing in other State Commissions. In this connection, the Finance Department of GoTN which is a stakeholder expressed its opinion as follows:-

"Letter No.134/DS/(SA)/Finance (PW-II)/2021, dated 13-10-2021 from Finance (PW-II) Department, Secretariat, Chennai-9.

2. In this regard, Finance Department is of the view that the fees should continue at the prevailing rates so as to avoid frivolous petitions. The Tamil Nadu Electricity Regulatory Commission is an autonomous regulatory body and is fully within its jurisdiction to fix a fee for filing a petition before it. The system has worked well so far and need not be interrupted at this stage. Any petitioner who is confident of the cause of his petition should bear the cost. The petitioners in this case are industries and not individual citizens".

In order to finalize the regulations, the Commission decided to issue draft regulations for seeking comments of the stakeholders and fixed the last date for obtaining the comments of the stakeholders as on 24-12-2021. Thereafter, several comments have been received from the stakeholders which are mainly on the ground that the fee is excessive for dispute resolution related functions and that fee structure for dispute resolution requires a ceiling and that the fee has to be charged in proportion to the cost of administration of justice.

Considering the views of the stakeholders and Finance Department of GoTN and also the fees prevailing in other States especially Kerala and Karnataka which are more or similar to the Commission's Regulations, the present amendment seeks to give effect to the directions of the Hon'ble High Court of Madras in the matter of perceived excessive filing fees.

(By Order of the Tamil Nadu Electricity Regulatory Commission)

Chennai-600 032,
6th January 2022.

S.CHINNARAJALU,
Secretary,
Tamil Nadu Electricity,
Regulatory Commission.

GOVERNMENT EXAMINATIONS / EDUCATIONAL OFFICERS

LOSS OF CERTIFICATES

It is hereby notified that the Original Higher Secondary Certificates / Matriculation Certificates / Diploma Certificates / School Certificates of the following pupils are reported to have been lost beyond recovery. Necessary steps are being taken to issue the duplicate of the said Certificates. If the Originals were to be found by anybody, they should be treated as invalid and sent to the Secretary, Board of Higher Secondary Examination / Directorate of Government Examinations, Chennai-6 / Director of Technical Education, Chennai-25 / Inspector / Inspectress of Matriculation and Anglo-Indian Schools as the case may be for cancellation:—

<i>C.N.C. Number</i>	<i>Name of the Candidate and Institution</i>	<i>Register Number and Certificate Number</i>	<i>Month and Year</i>	<i>Details of Examination</i>	<i>Reference Number and Date</i>
(1)	(2)	(3)	(4)	(5)	(6)
No. VI(2)/11/2022.					
	Arokiasamy, P.	30554 MA 085809	November 1981	Typewriting Tamil Higher Second Class	ந.க. எண். 114137/டிடி3/2021, 10-01-2022
		48567 C 876	November 1982	Typewriting English High Speed Second Class	Do.
		16975 9432	November 1972	Typewriting English Higher Second Class	Do.
No. VI(2)/12/2022.					
	Arun Pandi, G. 22-04-1998	641930 GTE 736050	February 2020	Typewriting English Senior Second Class	ந.க. எண். 118702/டிடி3/2021, 10-01-2022
		641930 GTE 647029	February 2020	Typewriting Tamil Junior First Class with Distinction	Do.
No. VI(2)/13/2022.					
	Jeevanantham, S. 16-10-1991	627753 GTE 750773	February 2020	Typewriting Tamil Senior Second Class	ந.க. எண். 122199/டிடி3/2021, 10-01-2022

K. பிரபாகரன்,
கூடுதல் இயக்குநர் (தேர்வுகள்) (மு.க.பொ),
தேர்வு வாரியம்,
தொழில்நுட்பக் கல்வி இயக்ககம்,
சென்னை-600 025.